

Notice of Allowability

Application No.

09/458,366

Examiner

Joseph T. Voitach

Applicant(s)

EVANS ET AL.

Art Unit

1632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/25/2004.
2. ☒ The allowed claim(s) is/are 13-19,21-31 and 34-42.
3. ☒ The drawings filed on 09 December 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All ☐ Some* ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

This application is a continuation in part of 09/227,718, filed 1/8/99, which is a continuation in part of application 09/005,286, filed 1/9/98, now allowed.

Applicants' amendment filed August 25, 2004, has been received and entered. Claims 1-12, 20, 32, 33 have been canceled. Claims 13, 14, 17, 24, 25, 28, 31, 35, 37-39, 41 and 42 have been amended. Claims 13-19, 21-31, 34-42 are pending and currently under examination.

Specification

The Applicants have argued that the nucleotide sequence disclosure contained in this application complies with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825. Upon review of the sequences in the claims, polynucleotide sequences less than 10 base pairs long, the Examiner agrees that the application is in sequence compliance

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

As indicated previously, the claims are free of the art of record because the prior art of record fails to teach or suggest the human SXR polynucleotide or polypeptide as set forth in the specific SEQ IDs with the specific biological activities set forth in the independent claims. Further, the SXR is a member of an orphan receptor family and the art fails to specifically teach or suggest the biological activities of the encoded polypeptide or the resulting phenotypes when expressed under the albumin promoter/enhancer in transgenic mice. The amendments to the

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claims has addressed each of the remaining basis of rejection narrowing the scope of the claims to that which is considered fully described and enabled in view of the state of the art, and has provided claim language consistent with that other related applications.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Woitach whose telephone number is (571) 272-0739.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Reynolds, can be reached at (571) 272-0734.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group analyst Dianiece Jacobs whose telephone number is (571) 272-0532.

Joseph T. Woitach

EXAMINER
PATENT EXAMINER

Joe Woitach
A01632